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In re Application of	:	
SCHREIBER	:	
Application No.: 10/568,339	:	DECISION ON
PCT No.: PCT/EP2003/013515	:	
Int. Filing Date: 01 December 2003	:	PETITION
Priority Date: 13 August 2003	:	
Attorney Docket No.: 2003P09417WOUS	:	
For: METHOD AND CONTROL SYSTEM FOR	:	
OPERATING A TECHNICAL INSTALLATION	:	
COMPRISING A PLURALITY OF COMPONENTS	:	
IN PARTICULAR A COMBUSTION SYSTEM FOR	:	
GENERATING ELECTRIC ENERGY	:	

This decision is in response to applicant's petition under 37 CFR 1.181 filed 13 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2003, applicant filed international application PCT/EP2003/013515, which designated the U.S. and claimed a priority date of 13 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 February 2006.

On 13 February 2006, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage under 35 U.S.C. 371 accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 August 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The NOTIFICATION OF MISSING REQUIREMENTS set a two-month extendable time period.

On 11 December 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 21 August 2006 within the time period set therein.

On 15 February 2008, applicant filed a submission which was properly treated as a petition under 37 CFR 1.181.

On 12 May 2008, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.181. Specifically, it was noted that a statement which attested on a personal knowledge basis to the previous transmission had not been provided.

On 13 July 2008, applicant filed the instant renewed petition under 37 CFR 1.181, which was accompanied by a declaration of facts by Ann Hickey.

DISCUSSION

The petition filed 13 June 2008 requests that the copy of the declaration filed 15 February 2008 be accepted as having been received on 16 October 2006 pursuant to 37 CFR 1.8(b).

37 CFR 1.8(b) states

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

As noted in the decision mailed 12 May 2008, items (1)-(2) have been satisfied.

Item (3) has now been satisfied as well. Therefore, the declaration received on 15 February 2008 may properly be accepted as originally received in the USPTO on 16 October 2006. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 11 December 2007 is hereby VACATED.

DECISION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 11 December 2007 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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